

Application No. 09/609,269
Amendment "D" dated July 7, 2005
Reply to Office Action mailed May 23, 2005

REMARKS

The final Office Action, mailed May 23, 2005, considered and rejected claims 1, 3, 4, 6-8, 11-14, 16-21, 23, 24, 26-36, 38, 39 and 41-46 under 35 U.S.C. 103(a) as being unpatentable over Bowker, D.O. et al. (EP 0872990 A1) in view of Bouis et al. (U.S. Patent No. 6,741,608 B1) and further in view of Sawyer et al. (U.S. Patent No. 5,946,629).¹ Some objections to the claims were also made for minor informalities, which have been corrected by the amendments made herein. Rejections made under 35 U.S.C. § 112 have also been overcome by amendments made to claims 20, 33 and 35, by deleting language that was determined to be unclear.

By this paper, claims 1, 4, 8, 11-13, 18-20, 30-33, 35, 39, 41 and 44-45 have been amended to promote consistency of the recited claim language, and new claims 48 and 49 have been added, such that claims 1, 3, 4, 6-8, 11-14, 16-21, 23, 24, 26-36, 38, 39, 41-46 and 48-49 remain pending, of which claims 1, 13, 20, 33 and 35 are the only independent claims at issue.

As previously discussed, the pending claims are directed to embodiments for converting data in a first format into a second format. In particular, claim 1 and the corresponding computer program product claim 13 also include elements for converting data by identifying a sequence of format conversion modules that, when executed in sequence, converts the data from the first data format into the second data format and converting the data from the first data format into an intermediate data format using a first format conversion module in the sequence of data conversion modules and converting the data from the intermediate data format into the second data format using at least one second format conversion modules.

The remaining independent claims are directed to methods (claim 20), computer program products (claim 33) and systems (claim 35) that focus on embodiments in which the converting of the data is performed through the identification of a plurality of sequences of format conversion modules that each, when executed in sequence, converts the data from the first data format into the second data format.

¹ Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

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As previously amended, each of the independent claims clearly recites how the data conversion is performed in a network that includes a wireless device and how the wireless device is associated with a telephone number that is examined by the gateway to **determine that the wireless system only recognizes data is a different format than an original format.** (emphasis added). Then, based at least in part on the telephone number, the system identifies a second format to convert the data into and uses a combination of different conversion modules to perform that conversion. The data is then sent to the wireless system.

The claims were rejected in the last action based on a combination of Bowker, Bouis and Sawyer. However, this combination of art still fails to disclose, suggest or make obvious the claimed invention. In particular, Applicant reminds the Examiner that in order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations." MPEP § 2143. Furthermore, "FACT THAT THE CLAIMED INVENTION IS WITHIN THE CAPABILITIES OF ONE OF ORDINARY SKILL IN THE ART IS NOT SUFFICIENT BY ITSELF TO ESTABLISH *PRIMA FACIE* OBVIOUSNESS. A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references."²

For at least the foregoing reason, Applicants respectfully submit that the art of record fails to make obvious the claimed invention, because it fails to disclose each and every claim limitation. In particular, although Bouis and Bowker both generally relate to transcoding data from one format into a different format, these references fail to teach or suggest any method in which a gateway in communication with a wireless device 'receives a message from an originating computing system that includes data in a first data format and that is intended for a remote wireless system that has an associated telephone number; examines the message and identifies the telephone number of the remote wireless device, which is included as part of the message; and thereafter determines, based in part on the telephone number, that the wireless system only recognizes data in one or more formats that are different than the first data format',

² MPEP 2143.01, *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000).

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and then subsequently performs the format conversion according to the variously claimed embodiments, as claimed.

It appears that the Examiner agrees with this and has therefore used Sawyer as purportedly teaching the missing elements. However, even though Sawyer relates to a cellular network in which data is converted from one format to another format, Sawyer fails to disclose, among other things, a method that includes "determining, based in part on the telephone number, that the wireless system only recognizes data in one or more formats that are different than the first data format," as claimed. Instead, Sawyer teaches that a network designation (e.g., "FAX," "LAN," "WAN," "SMS") is identified and then a corresponding network address is extracted from the destination address. "Any re-formatting of the received message (in this case an SMS message) necessary for [the appropriate] transmission is then performed." (Col. 6, several instances). Accordingly, it is not necessary according to Sawyer that a determination is made based on a telephone number that the wireless system only recognizes data in one or more formats that are different than the first data format. Instead, it only reformats when "necessary." As further clarified in the Summary, "The received message is then re-formatted (if necessary)..." (Col. 2, ll. 16, 23-24). Accordingly, the fact that it may not be necessary to re-format the data indicates that Sawyer does not anticipate a method that necessarily requires the determination that the wireless system 'only recognizes data in one or more formats that are different than the first data format,' as claimed in combination with the other recited claim elements.

Although the forgoing remarks have focused primarily on the independent claims, it will be appreciated that, for at least the foregoing reasons, all of the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually.³ However, the new dependent claims will be addressed.

The new dependent claims 48 and 49, for example, further distinguish the claimed invention from the art of record. In particular, the cited art clearly fails to disclose or suggest a method, as described above, wherein the message that is converted from the first format into the second format traverses network OSI layers during the conversion of the message and such that

³ However, in this regard, it should be appreciated that Applicants do not necessarily acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions at any appropriate time in the future, should the need arise, including any official notice.

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network and protocol translation occurs to the message in addition to data conversion (claim 48) or that the message that is converted from the first format into the second format in a presentation level 6 of a standard OSI layers model (claim 49). These new claims clarify important embodiments that enable network and protocol translation to occur in addition to simple data conversion. Support for these new claims is clearly described in page 27, line 6 thru page 29, line 21; and is also supported by Figures 8-9.

For at least the forgoing reasons, Applicants submit that the pending claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-36, 38-39, 41-46, and 48-49 are distinguished over the art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 7 day of July, 2005.

Respectfully submitted,



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